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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Nineteenth session

Summary record (partial)* of the 377th meeting**
Held at the Palais des Nations, Geneva, on Monday, 26 February 2018, at 3 p.m.

Chair: Ms. Degener

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 375th and 376th meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Seychelles (CRPD/C/SYC/1; CRPD/C/SYC/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Seychelles took places at the Committee table.*

2. **Ms. Simeon** (Seychelles), introducing her country's initial report (CRPD/C/SYC/1), said that Seychelles, which had ratified the Convention in 2009, was committed to fostering non-discrimination and equality for persons with disabilities. Awareness-raising campaigns had been launched at the local level to spread the message contained in the Convention. The articles had been translated into Creole and converted into child-friendly materials to ensure that children embraced diversity from an early age. Persons with disabilities were duly targeted by the campaigns to ensure that they were aware of their rights, participated in their dissemination, and played a leading role in advocacy efforts.

3. Persons with disabilities had been counted for the first time in the 2010 national census, which indicated that they accounted for about 3 per cent of the population. There was increasing recognition in Seychelles of the role that persons with disabilities could play in national development. The Government also recognized that their role was essential if developmental goals were to be achieved in an equitable manner.

4. Seychelles was proud of its ability to sustain free primary health care for all its citizens, and remained steadfast in its efforts to improve the quality of health-care services and to facilitate access to such services for persons with disabilities. The national health accounts showed that there had been a remarkable increase in the amount spent by the State on prevention programmes in recent years. The achievement of almost 100 per cent immunization coverage greatly assisted in keeping the number of persons with disabilities at a low level.

5. The Early Childhood Care and Education Framework had been launched in 2013 and an Institute of Early Childhood Development had been established to coordinate activities in that context, which had focused on early identification of risks and early intervention in the health, education and social sectors on behalf of children in the 0 to 8 age group. Three national action plans and various programmes and research projects had been developed. As a result, Seychelles had been recognized in 2017 as a regional leader in best practices in early childhood care and education by the International Bureau of Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

6. The Ministry of Education had launched a policy and an action plan on inclusive education. The Ministry was fully committed to their implementation despite the many challenges posed by the shortage of resources, particularly qualified human resources, in the disability sector.

7. The National Employment Policy adopted in 2014 promoted employment without discrimination, including for persons with disabilities. It had led to a marked improvement in the elaboration of job placement programmes, in rendering workplaces accessible, and in ensuring that persons with disabilities received equal pay for equal work. The Government was investing in an Unemployment Relief Scheme introduced in 2017, which actively sought to place persons with disabilities in skills development programmes.

8. Persons with disabilities had been extremely successful in sporting events, raising the country's flag high on different international podiums.

9. The Government had collaborated with NGOs over the years in implementing projects on behalf of persons with disabilities. For example, the Ministry of Education had cooperated with the Association for the Hearing Impaired in establishing a school for deaf persons and in developing a curriculum in the country's sign language. It had also concluded an agreement with Autism Seychelles and Autisme Reunion that had led to the participation of 179 school leaders and teachers from early childhood, primary and

secondary schools in training workshops on support for children with autism spectrum disorder. Training on autism had also been provided for 105 health-care professionals.

10. Action had been taken to promote universal design for public buildings, including new schools, hospitals and health-care centres, despite the delay in reviewing the Town and Country Planning Act. However, persons with disabilities continued to experience obstacles to the full enjoyment of their rights. One major barrier was that of mindset. It was assumed that persons with disabilities required protection, and persons with disabilities themselves continued to be overpowered by ideas of inadequacy.

11. Building an inclusive society and guaranteeing human rights for all required the involvement of persons with disabilities and their representative organizations. Despite all efforts, the rallying cry of "Nothing about Us without Us" was not sufficiently respected by policymakers and planners. Sustainable development would not be achieved without the intentional inclusion of persons with disabilities. It was only by working together on an equal footing that shortcomings could be addressed.

12. As population ageing population in Seychelles was likely to lead to an increase in the number of persons with disabilities, it was essential to ensure that the country's programmes and services were in line with the provisions of the Convention. The barriers impeding the advancement of persons with disabilities could certainly be eliminated by taking the right action with the right amount of commitment.

13. **Mr. Pyaneandee** (Country Rapporteur), commending the State party on its introduction of a policy on inclusive education, said that he welcomed the use by the National Bureau of Statistics of the set of questions recommended by the Washington Group on Disability Statistics. It was regrettable, however, that the Committee had been unable to engage in a meaningful and fruitful dialogue with civil society representatives in the State party.

14. He noted that an act of parliament was required to incorporate international treaties into domestic legislation and that no such act had yet been adopted in respect of the Convention. Moreover, persons with disabilities played virtually no part in the formulation and implementation of policies and legislation, which currently failed to reflect the spirit and content of the Convention. As a result, the enjoyment of economic, social and cultural rights and of civil and political rights by persons with disabilities could not be deemed fair and equitable.

15. With regard to legal capacity, he enquired about the outcome of the State party's review of its Civil Code.

16. He noted that the Town and Country Planning Act had not been amended or repealed although it failed to ensure access for persons with disabilities to services, goods and, in particular, information and communication technology.

17. He said that he had serious concerns about employment, particularly the State party's failure to enact legislation aimed at eliminating all forms of discrimination.

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18. **Mr. Kim** Hyung Shik asked which ministry was responsible for implementing the National Action Plan on Disability and enquired about the role played by the National Council for Disabled Persons. He asked whether organizations of persons with disabilities had been involved in its development and enquired about the results achieved to date in terms of legal rights, accessibility, employment, health care and education.

19. **Mr. Langvad** asked what measures had been taken to amend the definition of disability in Chapter III of the Seychelles Constitution, entitled the Seychellois Charter of Fundamental Rights and Freedoms, in order to align it with the rights-based approach to disability.

20. He requested updated information on political and legal measures to protect persons with disabilities who identified themselves as lesbian, gay, bisexual, transgender or intersex, as well as women and girls with disabilities, from all forms of discrimination and violence.

21. He enquired about the number of women with disabilities in institutions and about measures to generate awareness among women with disabilities of their rights and the possibility of reporting cases of gender-related and disability-based discrimination.

22. He said that he would like to receive information regarding current and planned awareness-raising programmes to address stigma and negative social attitudes towards children with disabilities.

23. **Mr. Alsaif** asked whether any sign language versions of the Convention were available for the public in the State party.

24. He wished to know whether courses on universal design were part of the mandatory curriculum for engineers and designers in academic institutions and universities. Were sanctions imposed on entities or individuals who failed to comply with the principle of accessibility?

25. **Mr. Basharu**, noting that decision makers in the State party rarely engaged in consultations with persons with disabilities, said that he would be interested to learn of any measures taken to promote active consultation with their representative organizations.

26. He also enquired about awareness-raising programmes, especially in the media, to eliminate stereotypes and negative attitudes towards persons with disabilities and about the involvement of persons with disabilities in their planning and implementation.

27. **Mr. Kabue**, noting that a Revision Committee was seeking to align the Civil Code with the Constitution and the Convention, said that information would be appreciated on the composition of the Committee and the role that persons with disabilities were playing in the process.

28. He asked whether the State party could provide a time frame for the proposed review of the National Council for Disabled Persons Act.

29. Noting that the Supreme Court and the Court of Appeal were the only avenues available to pursue cases of discrimination, he asked how accessible the courts were for persons with disabilities seeking remedies for violations of their rights. He also wished to know how many such cases had been addressed.

30. **Mr. Ruskus** said he was surprised to note that, according to the 2010 population census, persons with disabilities accounted for only 3 per cent of the State party's population, because global statistics indicated that they generally accounted for more than 10 per cent of countries' populations. He therefore enquired about disability determination procedures and the criteria for acquiring disability status.

31. He requested information on existing legislation and policies that expressly prohibited discrimination on the ground of disability and on any plans to adopt new legislation or policies on the subject. He asked whether the law recognized the denial of reasonable accommodation as a form of discrimination and, if not, whether steps would be taken to ensure such recognition.

32. The failure to prohibit corporal punishment of children in the home and in day-care centres, schools and correctional institutions constituted a violation of the rights of all children, including children with disabilities. He asked what steps had been taken to ensure that domestic legislation fully protected children from corporal punishment and to abolish the right to inflict so-called reasonable chastisement, including the right of teachers to administer what was termed proper punishment.

33. **Mr. Chaker** said that he would be grateful for information on strategies to promote the equal rights of women and girls with disabilities and their active participation, especially in the areas of education, employment and health, including sexual and reproductive health. He also enquired about measures to protect them from violence, including sexual violence and forced sterilization, especially women and girls with intellectual or psychosocial disabilities.

34. **Mr. You** Liang asked whether the State party provided financial support to representative organizations of persons with disabilities.

35. He enquired about measures taken to support the right of women and girls with disabilities to development, including their economic empowerment.

36. Noting that Seychelles was highly regarded as a tourism destination, he asked whether tourist itineraries were accessible, whether it was easy to find accessible rooms in hotels, especially for wheelchair users, and whether it was easy to find accessible toilets while travelling.

37. **Mr. Buntan** asked what measures had been taken by the State party to systematically involve persons with disabilities, through their representative organizations, in formulating laws and policies and in monitoring their implementation.

38. He noted that there were no legally binding regulations governing the accessibility of new buildings and that persons with disabilities had not been consulted on the matter through their representative organizations. He therefore requested an update on the review of the Town and Country Planning Act and enquired about the expected date of entry into force of the revised version. He asked what other measures had been taken to ensure that new buildings, especially schools and hospitals, were accessible.

39. He also wished to know whether any legislative or policy measures had been adopted to ensure access to print and digital media for persons with disabilities, including the promotion of sign language, Braille, and augmentative and alternative means of communication.

40. **Mr. Martin** asked what plans the State party had to raise awareness of the Convention among public servants, justice officials and the media. He wished to know whether persons with intellectual disabilities were part of the National Council for Disabled Persons and, if not, whether the State party intended to include them.

41. **Mr. Tatić** asked how many complaints of disability-based discrimination had been brought before the Constitutional Court and how many had been received under the Employment Act of 1995. Given that the legal framework on accessibility was not yet in place, he wished to know how the accessibility of new buildings, at the very least, was ensured in practice and whether there were any sanctions for failing to facilitate access. It would be interesting to know whether airports, transport, hotels and government buildings were accessible for wheelchair users.

42. **Mr. Pyaneandee** asked whether the State party intended to adopt a policy to counter negative stereotypes about persons with disabilities, in particular by ending the use of derogatory terms. He would appreciate an explanation of the concept of "reasonable provision" contained in article 36 of the Constitution, as well as information on plans to repeal or amend that article or to provide guidelines on its implementation as it was not in keeping with the Convention. How did the State party intend to correct the fact that women with disabilities were not included in any national plan of action on Women Would the proposed policy and action plan on accessibility apply nationwide?

The meeting was suspended at 3.45 p.m. and resumed at 4.15 p.m.

43. **Ms. Simeon** (Seychelles) said that corporal punishment was prohibited in educational settings and that the Ministry of Family Affairs was working with the Attorney General's Office to repeal sections of the Children Act with a view to banning corporal punishment in all settings by the end of 2018. The current review of the Town and Country Planning Act did not prevent new constructions, including hotels, from being made subject to accessibility standards, in consultation with the National Council for Disabled Persons. While work remained to be done, the ministry responsible for tourism was engaging with investors to promote accessibility, and all hotel resort projects initiated since the ratification of the Convention had retained accessibility as a major focus. The airport was equipped with an elevator to provide access to aircraft. Furthermore, a process was under way to import at least five accessible buses and, though it would not be possible to put one on every route, there would be one in every region. As matters stood, the first four seats on every public transport vehicle were reserved for persons with disabilities and various systems had been installed on those vehicles to facilitate their use by blind or deaf passengers.

44. A number of campaigns had been run to raise awareness about violence against women, including the Orange Day Campaign, which took into account women with disabilities. The Government had adopted the Family Violence (Protection of Victims) Act in 2000, which facilitated applications for protection orders, and was developing a comprehensive legislative framework on gender-based violence, including domestic violence. The Ministry of Family Affairs had conducted a survey on domestic violence, on the basis of which it was designing an action plan that would address the needs of women with disabilities.

45. **Ms. Marguerite** (Seychelles) said that the delay in the review of the Civil Code was due in part to the fact that it was being reviewed in its entirety and consultatively. A white paper containing proposed amendments had been prepared and it was hoped that the amendments would be introduced that year. The term "reasonable provision" was interpreted to mean fair, proper or moderate accommodation depending on the circumstances. Any such provisions had to be taken with a view to promoting the greatest possible development of persons with disabilities. One example of a special provision was the amendment of the Social Security Act to allow persons with disabilities to retain a portion of their benefits when they took up employment.

46. It was true that, currently, international treaties were not directly applicable in domestic law; rather, the Government had to enact specific laws incorporating their provisions. While that approach enhanced coherence, it did complicate compliance with treaties. The Government acknowledged that the issue needed to be addressed and would strive to do so swiftly. A number of the provisions of the Constitution reflected the Government's commitment to the principles of equality and non-discrimination and met the requirements of international law in that regard.

47. Although the Town and Country Planning Act was still under review, disability-friendly specifications had already been incorporated into the revised version that was due to be submitted to the National Assembly in the first quarter of 2018. The revised Act, including the obligation to incorporate universal design principles into all new buildings, was expected to come into effect in June. There might not yet be any binding provisions on accessibility, but the planning authority did have a policy that had proven successful in advising contractors on their designs. As Seychelles was a small country, the university did not offer an architecture course, so all architects were trained abroad, where it was hoped that universal design was part of the curriculum.

48. **Mr. Simeon** (Seychelles) said that persons with disabilities accounted for a large proportion of the board of directors of the National Council for Disabled Persons, either directly or indirectly through their representatives, though the board did not currently include anyone with a mental disability. The Council was reviewing its strategic plan for the next three years, which would take into account abuse against persons with disabilities. One of the key messages coming out of consultations was that the Council needed to move beyond advocacy and take on a monitoring and regulatory role. For the moment, the only way to be certified as having a disability, and thus receive all associated social benefits, was through a medical assessment. Efforts were under way to move towards adherence to the International Classification of Functioning, Disability and Health, but limited human resources were hindering the process.

49. **Ms. Marguerite** (Seychelles) said that the development of a national action plan on women was a work in progress as it had been decided that important stakeholders had been left out of the consultations on the original iteration of the plan. The role of the Ministry of Social Affairs was to provide a policy direction for the implementation of the plan. Seychelles faced challenges in terms of the collection of reliable data; currently, the primary source of data was occasional surveys. However, pursuant to the National Human Rights Action Plan, focal points had been appointed in various sectors in order to ensure that data were gathered on vulnerable groups. In addition, persons with disabilities had been included in the national census since 2010, following consultation with the National Council for Disabled Persons and the development of a form based on the work of the Washington Group on Disability Statistics. There were plans to improve the form in time for the next census in 2020, and the Council was preparing a pilot survey designed to shed greater light on the situation of persons with disabilities. No data were available on the

number of cases lodged by persons with disabilities with either the Constitutional Court or the competent employment tribunal.

50. She said that the Government had taken numerous steps to raise awareness of the provisions of the Convention. For example, several television programmes depicting the everyday lives of persons with disabilities in their local communities had been broadcast with a view to familiarizing the general public with disability issues.

51. Access to justice for persons with disabilities had improved greatly following the construction of a new, fully accessible courthouse. Procedural accommodation and sign language interpretation had also been made available for persons with disabilities during legal proceedings. Additional efforts would, however, be required to further strengthen the awareness of all stakeholders concerning the legal rights of persons with disabilities.

52. Apologizing for having missed the deadline for submission of the replies to the list of issues, she said that the Government had received the list of issues while preparing its State party report to the Committee on the Rights of the Child, and had been impeded in meeting the deadline by human resource and budgetary constraints.

53. Regarding the number of persons with disabilities identified in the 2010 census, she confirmed that the census data had been rigorously checked and were accurate. The low number of persons with disabilities living in the Seychelles was testament to the Government's strategy of strengthening access to early prevention services and free primary health care for all its citizens.

Articles 11–20

54. **Mr. Buntan** said that he would like to know more about the outcomes of the study to gather information on the preparedness of persons with disabilities in the event of natural disasters. It would be particularly useful in that context to receive updated information concerning the consultations held with the National Council for Disabled Persons which aimed to address the concerns of persons with disabilities and ensure that their specific needs were included in all plans devised by the Division of Risk and Disaster Management. Information on additional measures to bring the National Disaster Risk Management Plan and Strategy into line with the Sendai Framework for Disaster Risk Reduction 2015–2030 would also be welcome.

55. In regard to procedural accommodations made during legal proceedings, he wished to know what specific measures had been taken to guarantee effective access to justice for persons with disabilities on an equal basis with others. He also wondered what steps had been taken to protect persons with disabilities, especially women and girls with disabilities, against violence, exploitation and abuse and ensure that they had access to appropriate support and legal redress. How many of cases of violence or abuse against persons with disabilities had been reported and brought before the courts?

56. **Mr. Martin** asked whether the State party intended to repeal guardianship laws and promote supported decision-making for persons with disabilities. He also wished to know whether persons with disabilities could freely choose where and with whom they lived. Data on the numbers of persons living with their families or in institutions would be particularly useful in that context. He would also appreciate further information on the national efforts made to raise awareness of the right of persons with disabilities to live independently in their local communities.

57. **Mr. Langvad** said that he would like to know how many persons with disabilities had been subject to guardianship laws. What steps had been taken ensure that persons with disabilities had access to information on their legal rights in accessible formats? He also requested up-to-date information on the number of persons with disabilities currently residing in the home for the elderly at North East Point and the efforts made to enable those persons to live independently.

58. **Mr. Rukhledev** asked whether deaf persons in police custody had access to sign language interpretation upon arrest and during questioning, and if so, what measures had been adopted to ensure that the respective sign language interpreters were duly qualified.

59. **Mr. Chaker** asked what steps had been taken to prevent the torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities, including involuntary or forced medical treatment and the corporal punishment of children with disabilities.

60. **Mr. Basharu** asked whether the Government planned to reduce import duties on personal mobility equipment and make roads and pavements accessible for persons with disabilities, particularly blind persons or persons with visual impairments.

61. **Mr. Tatić**, welcoming the State party's efforts to provide sign language interpretation for deaf and hard-of-hearing persons during judicial and administrative proceedings, said that he would like to know how many qualified sign language interpreters were available in total in the Seychelles. He also sought clarification as to whether all legal proceedings involving persons with disabilities took place in the newly constructed, fully accessible courthouse, and if not, what procedural accommodations had been put in place in the other legal settings.

62. Regarding the right to live independently, he wished to know what measures had been adopted to increase the availability of community-based services for persons with disabilities who required round-the-clock assistance.

63. **Mr. Ruskus**, commending the measures taken by the State party to review the provisions of the Civil Code and the Mental Health Act 2006, asked whether similar efforts would be made to bring the Code of Criminal Procedure into line with the Convention and repeal the provisions on the detention of "persons of unsound mind". He also requested further information about the steps taken to review the provisions of the Children Act which enabled the Director of Social Services to assume parental rights over a child whose parent of guardian suffered from some "permanent disability" or "mental disorder" rendering them "unfit to take care of the child". Lastly, he wished to know what measures would be taken to repeal all national residency application processes that discriminated directly or indirectly on the grounds of disability, particularly Regulation 2 of the Immigration Decree on application for residence permits which stated that applicants and their family members must provide a medical certificate proving that they were "not mentally disordered or physically defective in any way".

64. **Mr. Babu** said that he would appreciate specific examples of the efforts made to include the rights of women and girls with disabilities in the National Strategy on Domestic Violence 2008–2012. He also wished to know what steps had been taken to ensure that persons with disabilities could travel freely between the islands that made up the Seychelles.

65. **Mr. Lovászy** asked whether the newly constructed, fully accessible courthouse provided captioning services and audio induction loops for deaf and hard-of-hearing persons. He also wished to know whether reporting mechanisms such as accessible hotlines had been established for persons with all types of disabilities so that they could report acts of violence or abuse in an effective and confidential manner. He would particularly welcome confirmation as to whether the Convention had been translated into Creole sign language.

66. **Mr. Alsaif** asked what measures had been taken to increase the amount of community-based support available so that persons with disabilities could live independently and participate in the community.

67. **Mr. Kabue** said that he would like to know whether, following the study to gather information on the preparedness of persons with disabilities in the event of natural disasters, steps had been taken to provide advance warnings of natural disasters to blind and deaf persons, and if so, what form they took. In the light of the State party's review of the Mental Health Act 2006, he wondered whether similar efforts would be made to eliminate all discriminatory provisions that restricted the rights of persons with intellectual and psychosocial disabilities to enter into contracts, vote, marry and take decisions concerning their health and finances.

68. **Mr. Kim** Hyung Shik asked what measures had been adopted to repeal the provisions of the Mental Health Act 2006 that permitted the involuntary hospitalization and institutionalization of persons with disabilities on the basis of their actual or perceived

impairment. It would be particularly useful to receive updated information on the number of persons with disabilities living in institutions and the overall progress made towards their deinstitutionalization. Lastly, he wished to know whether the National Strategy on Domestic Violence 2008–2012 and the National Action Plan on Gender-based Violence 2010–2011 took into account the specific needs and concerns of women and girls with disabilities.

69. **Mr. Pyaneandee** asked what steps had been taken to promote the active participation of persons with disabilities in the legal system and repeal article 228 (b) of the Code of Criminal Procedure which exempted persons with disabilities from jury service on the grounds of their disability. He also wished to know what measures would be adopted to bring the revised Civil Code into line with the Convention and uphold the right of persons with disabilities to enter into contracts, marry and inherit property.

70. **The Chair** asked whether there was a mechanism in place to monitor the support and assistance provided to persons with disabilities who were victims of domestic violence and abuse.

The discussion covered in the summary record ended at 5.20 p.m.